REMARKS

This responds to the Office Action dated on August 22, 2007.

Claims 1, 2, 13 and 23-30 are amended; as a result, claims 1-30 remain pending in this application.

Abstract

The abstract was objected to. The abstract has been amended. It is submitted that this objection has been overcome.

Claim Objections

Claims 2, 7, 25, 26, 28, and 29 were objected to because of informalities.

Claims 2, 7, 25, 26, 28 and 29 are amended. It is submitted that these objections have been overcome.

§112 Rejection of the Claims

Claim 23 was rejected under 35 U.S.C. § 112, second paragraph. Claim 23 is amended. It is submitted that this rejection has been overcome.

§102 Rejection of the Claims

Claims 1-30 were rejected under 35 U.S.C. § 102(e) for anticipation by Schrader et al. (U.S. 2002/157099).

Claim 1 recites in part:

"broadcasting enhancement computer program code to a plurality of receiving units including said receiving unit wherein said code defines a data structure within a memory of said receiving units, provides a menu having a plurality of enhancement selections, associates an identifier with at least one enhancement selection of said plurality of enhancement selections, and enables said receiving unit to acquire data using said identifier;

accessing a plurality of data elements such that at least one data element corresponds to said at least one enhancement selection;

associating said identifier with said at least one data element;

broadcasting said at least one data element and said identifier to said plurality of receiving units including said receiving unit;

accessing a second data element corresponding to said at least one enhancement;

associating said identifier with said second data element; and

broadcasting said second data element and said identifier to said plurality of receiving units including said receiving unit."
(Emphasis added.)

The Office Action rejected claim 1 alleging that Schrader teaches broadcasting enhancement computer program code to a plurality of receiving units including said receiving unit. Applicant respectfully disagrees.

Schrader teaches a service having IP content linked with broadcast television programming and presented to a viewer in an enhanced viewing mode. Data services in the form of enhanced IP content may be provided to the client systems in a dedicated data communication channel. A broadcast server or head-end allocates the bandwidth to accommodate the data services in a channel or bundle of channels. (Paragraph 33) A data structure for such data services includes database, user interface data, real-time data, trigger data, alert data, eventID, and IP data. (Figure 3; Paragraph 37)

Schrader further teaches that the IP data (or IP header 320) specifies network protocol information, information concerning transfer between applications, and an appropriate encoding method. The IP data encapsulates information concerning one or more television program. The information may be packaged as HTML files or other types of data files. (Paragraph 36)

Thus Schrader merely teaches broadcasting IP data. Schrader does not teach broadcasting programming code.

More specifically, Schrader fails to teach "broadcasting enhancement computer program code to a plurality of receiving units including said receiving unit wherein said code defines a data structure within a memory of said receiving units, provides a menu having a plurality of enhancement selections, associates an identifier with at least one enhancement selection of said plurality of enhancement selections, and enables said receiving unit to acquire data using said identifier," as claimed in claim 1.

Applicant submits that, at least for this reason, the 102(e) rejection has been overcome, and claim 1 and its dependent claims 2-12 are patentable over Schrader.

Claim 13 recites in part:

"receiving a broadcast at said receiving unit that includes enhancement computer program code that defines at least one data structure and that provides a menu having a plurality of different enhancement selections and that associates an identifier with at least one enhancement selection of said plurality of different enhancement selections and that enables said receiving unit to acquire data associated with said identifier;
receiving a user input selecting said at least one enhancement selection from said menu;
monitoring a broadcast for said identifier;
acquiring a data element associated with said identifier;
storing said data element in said data structure in a memory of said receiving unit; and
displaying said data element."
(Emphasis added.)

Applicant submits that, at least for the same reason articulated above with respect to claim 1, this 102(e) rejection has also been overcome, and claim 13 and its dependent claims 14-23 are patentable over Schrader.

Claim 24 recites in part:

"a CPU;
a memory;
video hardware that produces an on-screen display of enhancement data elements; and
computer program code received from a broadcast and stored in said memory that defines a data structure and an enhancement menu having at least one enhancement selection associated with an identifier and that monitors a broadcast for said identifier and acquires and stores a data element associated with said identifier in said data structure, and displays said data element, if a user selects said at least one enhancement selection."
(Emphasis added.)

Applicant submits that, at least for the same reason articulated above with respect to claim 1, this 102(e) rejection has also been overcome, and claim 24 and its dependent claims 25-26 are patentable over Schrader.

Claim 27 recites in part:

"determining enhancement content to be provided;
creating an enhancement broadcast schedule;
creating an enhancement menu having a plurality of enhancement selections;
associating an identifier with at least one enhancement selection of said plurality of enhancement selections;
broadcasting said enhancement menu including computer program code that enables displaying said enhancement menu to a plurality of receivers;
accessing a plurality of data elements for said enhancement menu selections;
associating said identifier with at least one data element of said plurality of data elements; and
broadcasting said at least one data element and said identifier to a plurality of receiving units including said receiving unit."
(Emphasis added.)

Applicant submits that, at least for the same reason given above for claim 1, the 102(e) rejection has been overcome, and claim 27 and its dependent claims 28-30 are patentable over Schrader.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22 day of February 2008.

John A. Swanson-Walker
Name

Signature